

# **EXHIBIT 5**

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**Mark:**



**US Serial Number:** 74593281

**Application Filing Date:** Oct. 28, 1994

**US Registration Number:** 1935301

**Registration Date:** Nov. 14, 1995

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

**Status:** The registration has been renewed.

**Status Date:** Apr. 11, 2015

**Publication Date:** Aug. 22, 1995

## Mark Information

**Mark Literal Elements:** None

**Standard Character Claim:** No

**Mark Drawing Type:** 2 - AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S) /NUMBER(S)

**Description of Mark:** The mark comprises a stylized rendering of a continuous line of palm trees.

**Design Search Code(s):** 05.01.03 - Palm trees  
05.01.10 - More than one tree or bush; thicket; group of trees; Thicket  
26.13.13 - Quadrilateral (two quadrilaterals); Two quadrilaterals  
26.13.21 - Quadrilaterals that are completely or partially shaded

## Related Properties Information

**Claimed Ownership of US Registrations:** 1514036, 1507389

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** French fried potatoes for consumption on and off the premises

**International Class(es):** 029 - Primary Class

**U.S Class(es):** 046

**Class Status:** ACTIVE

**First Use:** Dec. 1991

**Use in Commerce:** Dec. 1991

## Basis Information (Case Level)

**Filed Use:** Yes

**Currently Use:** Yes

**Filed ITU:** No

**Currently ITU:** No

**Filed 44D:** No

**Currently 44D:** No

Filed 44E: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

## Current Owner(s) Information

Owner Name: IN-N-OUT BURGERS

Owner Address: 4199 Campus Drive, NINTH FLOOR  
Irvine, CALIFORNIA UNITED STATES 92612

Legal Entity Type: CORPORATION

State or Country CALIFORNIA  
Where Organized:

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: ARNOLD M WENSINGER

Docket Number: IOB 54

Attorney Primary Email Address: [rblake@innout.com](mailto:rblake@innout.com)Attorney Email Yes  
Authorized:

### Correspondent

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Authorized:

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Nov. 14, 2024	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
May 06, 2020	NOTICE OF SUIT	
Apr. 01, 2020	NOTICE OF SUIT	
Apr. 11, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Apr. 11, 2015	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	
Apr. 11, 2015	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Apr. 11, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	
Mar. 27, 2015	TEAS SECTION 8 & 9 RECEIVED	
Jun. 07, 2005	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Jun. 07, 2005	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jun. 07, 2005	ASSIGNED TO PARALEGAL	
Apr. 14, 2005	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Apr. 14, 2005	PAPER RECEIVED	
Jun. 26, 2001	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Apr. 18, 2001	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Nov. 14, 1995	REGISTERED-PRINCIPAL REGISTER	
Aug. 22, 1995	PUBLISHED FOR OPPOSITION	
Jul. 21, 1995	NOTICE OF PUBLICATION	
May 09, 1995	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 26, 1995	EXAMINER'S AMENDMENT MAILED	
Apr. 17, 1995	ASSIGNED TO EXAMINER	

## TM Staff and Location Information

TM Staff Information - None

File Location

**Current Location:** GENERIC WEB UPDATE

**Date in Location:** Apr. 11, 2015

**Int. Cl.: 29**

**Prior U.S. Cl.: 46**

**United States Patent and Trademark Office**

**Reg. No. 1,935,301**

**Registered Nov. 14, 1995**

**TRADEMARK  
PRINCIPAL REGISTER**



IN-N-OUT BURGERS (CALIFORNIA CORPORATION)  
4199 CAMPUS DRIVE  
IRVINE, CA 92715

FOR: FRENCH FRIED POTATOES FOR CONSUMPTION ON AND OFF THE PREMISES, IN CLASS 29 (U.S. CL. 46).

FIRST USE 12-0-1991; IN COMMERCE 12-0-1991.

OWNER OF U.S. REG. NOS. 1,507,389 AND 1,514,036.

THE MARK COMPRISES A STYLIZED RENDERING OF A CONTINUOUS LINE OF PALM TREES.

SER. NO. 74-593,281, FILED 10-28-1994.

JULIA S. SHIELDS, EXAMINING ATTORNEY